

**REMARKS**

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated July 9, 2009 has been received and its contents carefully reviewed.

Claims 1-13 are currently pending in this application. Reexamination and reconsideration of the pending claims in view of the remarks that follow is respectfully requested.

**The Office rejects claims 1, 3, 4, 7, 10, and 12-13 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2005/0091118 to Fano *et al.* (hereinafter “*Fano I*”) in view of U.S. Patent Publication No. 2006/0053378 to Fano *et al.* (hereinafter “*Fano II*”).** *Office Action* at p. 3. Applicants respectfully traverse the rejection and request reconsideration.

Both *Fano I* and *Fano II* fail to teach or suggest at least, “using at least a second communication object located at a second location, belonging to said set of locations, to retrieve, from said service platform, at least said stored item of information associated with said first location,” as recited in independent claim 1 and as similarly recited independent claim 12. Additionally, both *Fano I* and *Fano II* fail to teach or suggest at least, “means for delivering at least said stored item of information associated with said first location to a user by way of at least one communicating object able to deliver information and situated in a second location belonging to said set of locations,” as recited in independent claim 13.

*Fano I* discloses a PDA-based, GPS-enabled information gathering agent that relies on knowledge of a shopper’s physical location to support shopping tasks. *Fano I* at Abstract. A shopper first indicates its shopping goal to the system. *Fano I* at Abstract. Then, as the shopper strolls through a mall, the system informs him of the availability of items of interest to him that are available in the surrounding stores. *Fano I* at Abstract. The Office admits that *Fano I* does not expressly disclose at least, the features of independent claims 1, 12, and 13 identified above. *Office Action* at pp. 3-4 (re cl. 1), 5 (re cl. 12), and 6 (re cl. 13).

*Fano II* fails to cure the deficiencies of *Fano I*. *Fano II* merely discloses a “Mobile Valet” device capable of working with the delivery of services for any given location, in order to

deliver context based enhanced services to a user. *Fano II* at ¶¶ 0008-00012. *Fano II*'s Mobile Valet is able to interact with the infrastructure of a location in order to display the services and related information available at that location. *See id.* In *Fano II*, the user location is determined in order to generate a location-based menu from which the user can select a location-based service (steps 100, 102, and 104 of figure 4). *Fano II* at ¶¶ 0094-0095. For example, if the user is located in a retail store, a location-based menu with at least one service such as an information service designed to help the user while in the retail store is generated. *Fano II* at ¶ 0096. Another example is given, where the user is located in a bank and where location-based menu can generate a location-based service, such as a withdrawal service, which may help the user to withdraw funds from the bank. *See id.* However, the system, method, and platform used in *Fano II* are distinguishable from those of the claimed invention. Consider, for arguments sake only, that when a *Fano II* Mobile Valet is in a bank location, it might generate a withdrawal service for use by its user, but nowhere is there any teaching or suggestion that, for example, the Mobile Valet could retrieve from a service platform a message from the user's spouse thanking the user for going to the bank for her today, where the message from the user's spouse was a stored item of information associated with the location of the touch screen communication object arranged on the door of the kitchen refrigerator in the user's home.

Therefore, in its general principle (described in figure 4) and in the cited examples, *Fano II* only discloses that a communication object, when located at a first location, can retrieve an item of information associated with said first location from a service platform. *Fano II* at 0094-0096 & Fig. 4. *Fano II*, however, fails entirely to teach or suggest that a communication object located at a first location would retrieve a stored item of information associated with a different (a second) location.

However, the Office has cited the Abstract and paragraphs 0009 and 0043-0044, as supposedly disclosing the above recited features of claim 1. Applicants respectfully disagree. The abstract merely states that the context used by the context-based user interfaces can be determined by identifying the location of the mobile device. *Fano II* at Abstract. This does not imply that the context-based user interface associated with the location of the mobile device would retrieve, from a service platform, stored information associated with a different location. In fact, paragraph 0009 confirms this distinction, as it merely discloses that the mobile device

may be used to coordinate the delivery of services available at a given location in a manner that enhances the overall experience of the mobile user within that precise location. *Fano II* at ¶ 0009. The cited portions of *Fano II* fail to describe, teach or suggest a possibility of retrieving information associated with a second location while at a first location. Paragraph 0043 merely mentions the use of a plurality of context-based user interface templates, each of them including a selection of available services from a local provider at the location of the device. Paragraph 0043 further indicates that the services are available at said location through the mobile device, which excludes *per se* that a service from a local provider at a first location can be available at a second location. Paragraph 0044 only discloses that general service templates are associated with specific locations, without disclosing that a template associated with one location can be accessed at another location. *Fano II* at ¶ 0044.

Hence, *Fano II* only deals with the issue of retrieving location-based services associated with the location of the user as well as with the issue of displaying such services without being limited by the user's mobile display. *Fano II* at Abstract & ¶¶ 0009, and 0043-0044. In order to obtain such a result, the Mobile Valet interacts with a local server (see figure 1). *Fano II* at Fig. 1. As such, *Fano II* does not provide any motivation to retrieve, from a first location, an item of information associated with a second location. Thus, *Fano II* again fails to teach or suggest at least the above recited features of independent claims 1, 12, and 13.

Accordingly, Applicants respectfully submit that independent claims 1, 12, and 13 are patentably distinguishable over *Fano I* in view of *Fano II*. It stands to reason that claims 3, 4, 7, 10, which depend from independent claim 1, are also patentably distinguishable for at least the same reasons. Therefore, Applicants respectfully request the Office to withdraw the 35 U.S.C. § 103(a) rejection of claims 1, 3, 4, 7, 10, 12, and 13.

**The Office rejects claim 2 under 35 U.S.C. § 103(a) as being unpatentable over *Fano I* in view of *Fano II* in further view of U.S. Patent Publication No. 2006/0142935 to Koerber *et al.* (hereinafter “*Koerber*”).** *Office Action* at p. 6. Applicants respectfully traverse the rejection and request reconsideration.

As discussed above, *Fano I* and *Fano II* fail to teach or suggest all the features of claim 1, from which claim 2 depends. *Koerber* fails to cure the deficiencies of *Fano I* and *Fano II*. In

fact, *Koerber* was cited only for a purported disclosure of “an information delivery device fixed at a second said location, said information delivery device affording access to stored information associated with said first location.” *Office Action* at p. 7.

Accordingly, Applicants respectfully submit that independent claim 1 is patentably distinguishable over *Fano I* in view of *Fano II* in further view of *Koerber*. It stands to reason that claim 2, which depends from independent claim 1, is also patentably distinguishable for at least the same reasons. Therefore, Applicants respectfully request the Office to withdraw the 35 U.S.C. § 103(a) rejection of claim 2.

**The Office rejects claim 5, 6, 8, 9, and 11 under 35 U.S.C. § 103(a) as being unpatentable over *Fano II* in view of *Fano I*, and in further view of U.S. Patent Publication No. 2004/0203909 to *Koster et al.* (hereinafter “*Koster*”).** *Office Action* at p. 8. Applicants respectfully traverse the rejection and request reconsideration.

As discussed above, *Fano I* and *Fano II* fail to teach or suggest all the features of claim 1, from which claims 5, 6, 8, 9, and 11 depend. *Koster* fails to cure the deficiencies of *Fano I* and *Fano II*. In fact, *Koster* was cited only for a purported disclosure of “determining a location in which an object providing information is situated, and acquiring and storing at least one datum comprising an item of information provided by way of said object providing information and a parameter indicating identification of said location.” *Office Action* at pp. 8-9 (internal citations omitted).

Accordingly, Applicants respectfully submit that independent claim 1 is patentably distinguishable over *Fano I* in view of *Fano II* in further view of *Koster*. It stands to reason that claims 5, 6, 8, 9, and 11, which depend from independent claim 1, are also patentably distinguishable for at least the same reasons. Therefore, Applicants respectfully request the Office to withdraw the 35 U.S.C. § 103(a) rejection of claims 5, 6, 8, 9, and 11.

### **CONCLUSION**

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under

37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to Deposit Account No. 50-0911.

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